

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |  |  |                                       |
|---|--|--|---------------------------------------|
| <b>RESPONSE TO NOTICE TO<br/>FILE CORRECTED<br/>APPLICATION PAPERS</b>  |  | ATTORNEY DOCKET NO.<br><b>70088.0023USU1</b>     |                                       |
|   |  | U.S. APPLICATION SERIAL NO.<br><b>10/025,222</b> | CONF. NO.<br><b>4998</b>              |
|   |  | FILING DATE<br><b>December 19, 2001</b>          |                                       |
|   |  | U.S. APPLICATION SERIAL NO.<br><b>7,326,541</b>  | ISSUE DATE<br><b>February 5, 2008</b> |
| INVENTOR(S)<br><b>Jerry PELLETIER, et al.</b>   |  | EXAMINER (If known)<br><b>D. J. Steadman</b>     | ART UNIT (if known)<br><b>1656</b>    |
| TITLE OF APPLICATION<br><b>FRAGMENTS AND VARIANTS OF STAPHYLOCOCCUS AUREUS DNAG<br/>PRIMASE, AND USES THEREOF</b> |  |  |                                       |

MAIL STOP: ISSUE FEE  
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Dear Sir:

Applicants received a "Notice to File Corrected Application Papers – Notice of Allowance Mailed," dated January 24, 2008. Therein, and in the document attached thereto, entitled "Identification of Drawing Deficiencies," it is stated that there appears to be two versions of Figure 4.

Applicants first respectfully note that there is a Figure 4A and a Figure 4B. Further, Applicants note that the patent has now issued from this application (U.S. Patent No. 7,326,541) wherein Figure 4A and 4B are correctly shown in the patent, and where there does not appear to be an incorrect duplication. Accordingly, it appears that the draftsman may have recognized his mistake and allowed the patent to proceed to issuance.

Therefore, it appears that the issue has been resolved and no further action is required on the part of Applicants. Applicants thus request reconsideration and withdrawal of the requirement set forth in the Notice.

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Respectfully submitted,

/Drew Hissong/

\_\_\_\_\_  
Drew Hissong  
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Date: February 25, 2008

**23552**

Patent & Trademark Office



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/025,222      | 12/19/2001  | Jerry Pelletier      | 70088.0023USU1 ✓    | 4998             |

23552 7590 01/24/2008  
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DXH

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| EXAMINER |
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STEADMAN, DAVID J

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1656

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Corrected Appln Paper 2: 03/24/2008  
D



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Serial No. : 10/025,222  
Applicant: Pelletier  
Filing Date : 12/19/01  
Date Mailed : 01/25/08

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 2 months from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. **This period for reply is NOT extendable under 37 CFR 1.136(a).**

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

L. Fletcher \_\_\_\_\_

Your name

Office of Patent Publication

Phone: 703-308-9250, ext. 143

**IDENTIFICATION OF DRAWING DEFICIENCIES**

- ☐ There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- ☐ The character of the lines, numbers and letters is poor. FIG(s) \_\_\_\_\_
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) \_\_\_\_\_
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- ☒ Figure numbers are duplicated or missing. FIG(s) 4 \_\_\_\_\_
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) \_\_\_\_\_
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) \_\_\_\_\_
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) \_\_\_\_\_
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- ☐ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met\*:
  - ☐ Petition filed
  - ☐ Petition fee
  - ☐ 3 sets of color drawings
  - ☐ Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.381.

**COMMENTS: There appears to be 2 fig. 4. Please provide replacement drawings.**